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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 2012-625

13 **JOSEPHINE DACDAC BAUTISTA, AKA**  
14 **JOSEPHINE LLARENA DACDAC, AKA**  
15 **JOSEPHINE BAUTISTA**  
13439 Peyton Drive #135  
Chino Hills, CA 91709

16 **SUPPLEMENT TO THE FIRST**  
17 **AMENDED ACCUSATION**

16 Registered Nurse License No. 711024

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. Paragraph 14 of the First Amended Accusation is hereby supplemented with the  
25 following:

26 "Respondent is subject to disciplinary action under California Code of Regulations, title 16,  
27 section 1444, in that Respondent committed acts involving theft, dishonesty, fraud, and/or  
28 deceitful acts on October 21, 2010, October 27, 2010, and October 29, 2010. The theft shall be

1 considered to be substantially related to the qualifications, functions or duties of a registered  
2 nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse  
3 to practice in a manner consistent with the public health, safety, or welfare. The circumstances  
4 surrounding the October 27, 2010 theft are that on or about October 27, 2010, the Chino Police  
5 Department Officers were dispatched to the Department store Target, in Chino, California,  
6 regarding a theft. Respondent exited the Department store Target, in Chino, without paying for  
7 the merchandise items. The circumstances surrounding the October 21, 2010 and October 29,  
8 2010 thefts are that on or about October 21, 2010 and October 29, 2010, Respondent exited the  
9 Department store Target, in Chino, without paying for the merchandise items.”

10  
11  
12 DATED:

*December 19, 2012* *Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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13439 Peyton Drive #135  
Chino Hills, CA 91709

**FIRST AMENDED ACCUSATION**

15  
16 Registered Nurse License No. 711024

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about August 23, 2007, the Board of Registered Nursing (Board) issued  
25 Registered Nurse License No. 711024 to Josephine Dacdac Bautista, aka Josephine Llarena  
26 Dacdac and Josephine Bautista (Respondent). The Registered Nurse License was in full force  
27 and effect at all times relevant to the charges brought herein and will expire on November 30,  
28 2014, unless renewed.

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1 application for a certificate or license for any of the following:

2 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

3 . . . .

4 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
5 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
6 Act] or regulations adopted pursuant to it.

7 . . . .

8 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
9 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
10 conclusive evidence thereof."

11 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not  
12 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
13 to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the  
14 Board may renew an expired license at any time within (8) eight years after the expiration.

#### 15 REGULATORY PROVISIONS

16 9. California Code of Regulations, title 16, section 1444, provides, in pertinent part:

17 AA conviction or act shall be considered to be substantially related to the qualifications,  
18 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
19 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
20 safety, or welfare. . . ."

#### 21 COST RECOVERY

22 10. Section 125.3 provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licensee found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case.

#### 26 FIRST CAUSE FOR DISCIPLINE

##### 27 (Conviction of a Substantially-Related Crime)

28 11. Respondent is subject to disciplinary action under sections 490, and 2761, subdivision

1 (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent  
2 was convicted of a crime that is substantially related to the qualifications, functions or duties of a  
3 registered nurse which to a substantial degree evidences her present or potential unfitness to  
4 practice in a manner consistent with the public health, safety, or welfare, as follows:

5 a. On or about February 23, 2011, after pleading *nolo contendere*, Respondent was  
6 convicted of one misdemeanor count of violating Penal Code section 459 [burglary], in the  
7 criminal proceeding entitled *The People of the State of California v. Josephine Dacdac Bautista*  
8 (Super. Ct. San Bernardino County, 2010, No. MCH1001384). The court sentenced Respondent  
9 to serve 2 days in jail, placed her on probation for a period of 24 months, and fined her. The  
10 circumstances surrounding the conviction are that on or about November 03, 2010, the Chino  
11 Police Department Officers were dispatched to the Department store Target, in Chino, California,  
12 regarding a theft. Respondent was stopped and interviewed by the store loss prevention officer as  
13 she was leaving the store attempting not to pay for several items. Respondent admitted to the loss  
14 prevention officer that she had stolen merchandise from the store on four other occasions. The  
15 value of the stolen merchandise that was taken by Respondent was approximately worth \$756.00.  
16 The Respondent was later identified as the suspect through a photo line-up and convicted of  
17 violating Penal Code section 459 [burglary].

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Acts Involving Dishonesty, Fraud, and/or Deceit)**

20 12. Respondent is subject to disciplinary action under California Code of Regulations,  
21 title 16, section 1444, in that Respondent was convicted of a crime involving dishonest, fraud,  
22 and/or deceitful acts. Complainant refers to, and by this reference incorporates, the allegations set  
23 forth above in paragraph 11, subparagraph (a), inclusive, as though set forth fully.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct / Violate Act)**

26 13. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
27 (d), on the grounds of unprofessional conduct, in that Respondent committed acts of  
28 unprofessional conduct, and acts that violated the Nursing Practice Act. Complainant refers to

1 and by this reference incorporates the allegations set forth above in paragraph 11, subparagraph  
2 (a), inclusive, as though set forth fully.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Acts Involving Dishonesty, Fraud, and/or Deceit)**

5 14. Respondent is subject to disciplinary action under California Code of Regulations,  
6 title 16, section 1444, in that Respondent committed an act involving theft, dishonesty, fraud,  
7 and/or deceitful acts. The theft shall be considered to be substantially related to the  
8 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
9 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
10 public health, safety, or welfare. The circumstances surrounding the theft are that on or about  
11 October 27, 2010, the Chino Police Department Officers were dispatched to the Department store  
12 Target, in Chino, California, regarding a theft. Respondent exited the Department store Target, in  
13 Chino, without paying for the merchandise items.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct / Violate Act)**

16 15. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
17 (d), on the grounds of unprofessional conduct, in that Respondent committed acts of  
18 unprofessional conduct, and acts that violated the Nursing Practice Act. Complainant refers to  
19 and by this reference incorporates the allegations set forth above in paragraph 14, inclusive, as  
20 though set forth fully.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Acts Involving Dishonesty, Fraud, and/or Deceit)**

23 16. Respondent is subject to disciplinary action under California Code of Regulations,  
24 title 16, section 1444, in that Respondent committed an act involving theft, dishonesty, fraud,  
25 and/or deceitful acts. The theft shall be considered to be substantially related to the  
26 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
27 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
28 public health, safety, or welfare. The circumstances surrounding the theft are that on or about

1 October 15, 2010, the Chino Police Department Officers were dispatched to the Department store  
2 Target, in Chino, California, regarding a theft. Respondent exited the Department store Target, in  
3 Chino, without paying for the merchandise items.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct / Violate Act)**

6 17. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
7 (d), on the grounds of unprofessional conduct, in that Respondent committed acts of  
8 unprofessional conduct, and acts that violated the Nursing Practice Act. Complainant refers to  
9 and by this reference incorporates the allegations set forth above in paragraph 16, inclusive, as  
10 though set forth fully.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board issue a decision:

14 1. Revoking or suspending Registered Nurse License No. 711024, issued to Josephine  
15 Dacdac Bautista, aka Josephine Llarena Dacdac, aka Josephine Bautista;

16 2. Ordering Josephine Dacdac Bautista, aka Josephine Llarena Dacdac, aka Josephine  
17 Bautista to pay the Board the reasonable costs of the investigation and enforcement of this case,  
18 pursuant to 125.3; and

19 3. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: October 29, 2012 for Janice Ben  
22 LOUISE R. BAILEY, M.ED., RN  
23 Executive Officer  
24 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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